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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,214	10/21/2003	Michael J. Sundermeyer	47583/P042US/10311288	2346
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FULBRIGHT & JAWORSKI, LLP (ADOBE) 2200 ROSS AVENUE SUITE 2800 DALLAS, TX 75201-2784			EXAMINER BOTTS, MICHAEL K	
			ART UNIT 2176	PAPER NUMBER

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/690,214	SUNDERMEYER ET AL.	
	Examiner	Art Unit	
	Michael K. Botts	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>January 21, 2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This document is the first Office Action on the merits. This action is responsive to the following communications: The Non-Provisional Application, which was filed on October 21, 2003.
2. Claims 1-31 have been examined, with claims 1, 11, 20, and 21 being the independent claims.
3. The Specification is objected to.
4. Claims 1-31 are rejected.

Information Disclosure Statement

5. An signed and dated copy of applicant's IDS form 1449, which was filed on January 21, 2004, is attached to this Office Action.

The Specification

6. Applicant is required to update the status (pending, allowed, etc.) of all parent priority applications in the first line of the specification. The status of all citations of U.S. filed applications in the specification should also be updated where appropriate. Appropriate correction is required.
7. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

8. The disclosure, pages 1 and 7-13 cite to three related concurrently-filed, co-pending, and commonly assigned U.S. Patent Applications, however, there is insufficient information provided in order to locate and review such applications. Therefore, the applications cited have not been reviewed and are not considered to be incorporated into the instant application. Appropriate correction is required.

Claims Rejections – 35 U.S.C. 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. **Claims 1-19** are rejected under 35 U.S.C. 102(b) as being clearly anticipated by GlobalScape, "CuteFTP Pro Technical Overview," White Paper, May 22, 2001, published on the internet at least by August 14, 2002, last downloaded by the Examiner on March 17, 2006, from:
<http://web.archive.org/web/20020814133509/www.globalscape.com/support/manuals.shtml>, pages i-ii and 1-17, [hereinafter "CuteFTP Pro"].

Regarding **dependent claim 1**, CuteFTP Pro teaches:

*A method for maintaining a Web site comprising:
browsing to a Web page to be edited;*

automatically downloading a source file for said Web page from a file transfer server related to said Web page including related files associated with display of said Web page;

(See, CuteFTP Pro, page 7, teaching: "CuteFTP Pro includes advanced scripting capabilities that allow clients to automate routine tasks, such as downloading log files from a Web server or posting weekly sales reports to an FTP server.")

editing said source file; and

(See, CuteFTP Pro, page 11, teaching an integrated code editor to change HTML/Text documents.)

automatically publishing said edited source file to said file transfer server associated with said Web site including said related files associated with said display of said Web page.

(See, CuteFTP Pro, page 9, teaching to automatically update a web page every few minutes.)

Regarding **dependent claim 2**, CuteFTP Pro teaches:

The method of claim 1 further comprising:

scanning said Web page for page-dependent related files prior to said automatically downloading.

(See, CuteFTP Pro, page 9, teaching to automatically update a web page every few minutes. Note that CuteFTP Pro scans the web page for the files to be updated.)

Regarding **dependent claim 3**, CuteFTP Pro teaches:

The method of claim 1 further comprising:

*scanning said edited source file for modified page-dependent related files
prior to said automatically publishing.*

(See, CuteFTP Pro, page 9, teaching to automatically update a web page every few minutes. Note that CuteFTP Pro scans the web page for the files to be updated.)

Regarding **dependent claim 4**, CuteFTP Pro teaches:

*The method of claim 3 wherein said modified page-related files comprises
one or more of:*

an edited page-related file;

a deleted page-related file; and an added page-related file.

(See, CuteFTP Pro, page 9, teaching to automatically update a web page every few minutes. Note that CuteFTP Pro scans the web page for the files to be updated.)

Regarding **dependent claim 5**, CuteFTP Pro teaches:

The method of claim 4 further comprising:

*translating local links to said added page-related files to reflect a location
of said added page-related files on said file transfer server.*

(See, CuteFTP Pro, page 9, teaching to automatically update a web page every few minutes. Note that CuteFTP Pro scans the web page for the files to be updated. Note

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that CuteFTP Pro teaches folder synchronization, which reflects a location of added page-related files on the file transfer server.)

Regarding **dependent claim 6**, CuteFTP Pro teaches:

The method of claim 1 further comprising: mapping addresses of said edited source file and said related files associated with said display of said Web page to an address location commensurate with said file transfer server.

(See, CuteFTP Pro, page 8, teaching mirroring which makes the content of the remote drive exactly like the contents of the local drive, vice versa, or both.)

Regarding **dependent claim 7**, CuteFTP Pro teaches:

The method of claim 1 wherein said Web page is generated, in part, dynamically using embedded server code and a plurality of data stored in a database.

(See, CuteFTP Pro, page 11, teaching the use of a default template as embedded server code and customizable code options as data stored in the database.)

Regarding **dependent claim 8**, CuteFTP Pro teaches:

*The method of claim 7 further comprising:
identifying one or more elements generated from said database in said downloaded source file.*

(See, CuteFTP Pro, page 11, teaching the use of a default template as embedded server code and customizable code options as data stored in the database. Note also that CuteFTP Pro teaches to edit remote documents, which are identified elements from the database in the source file.)

Regarding **dependent claim 9**, CuteFTP Pro teaches:

The method of claim 8 further comprising:

checking said edited source file for modifications to said one or more elements.

((See, CuteFTP Pro, page 10, teaching that overwrite of files based on day and tie of last edit.)

Regarding **dependent claim 10**, CuteFTP Pro teaches:

The method of claim 9, wherein said automatically publishing comprises:

stripping said modifications to said one or more elements from said edited source responsive to said checking; and

updating said database with said modifications.

(See, CuteFTP Pro, page 9, teaching to automatically update a web page every few minutes. Note that CuteFTP Pro scans the web page for the files to be updated. Note that CuteFTP Pro teaches folder synchronization, which reflects a location of added page-related files on the file transfer server.)

Regarding **dependent claim 11**, CuteFTP Pro teaches:

A computer program product having a computer readable medium with computer program logic recorded thereon for managing a Web site, said computer program product comprising:

code for browsing to a Web page to be edited;

code for automatically retrieving from a file transfer server, one or more Web source files for at least one of: said Web page; and one or more Web page-dependent files;

code for editing said one or more Web source files; and

code for automatically uploading said edited one or more Web source files to said file transfer server.

(Claim 11 incorporates substantially similar subject matter as claimed in claim 1, and is rejected along the same rationale.)

Regarding **dependent claim 12**, CuteFTP Pro teaches:

The computer program product of claim 11 further comprising:

code for inspecting said Web page for said one or more Web page-dependent files prior to said code for automatically retrieving.

(Claim 12 incorporates substantially similar subject matter as claimed in claim 3, and is rejected along the same rationale.)

Regarding **dependent claim 13**, CuteFTP Pro teaches:

*The computer program product of claim 11 further comprising:
code for examining said edited one or more Web source files for modified
Web page-dependent files prior to said code for automatically uploading.*

(Claim 13 incorporates substantially similar subject matter as claimed in claim 2, and is rejected along the same rationale.)

Regarding **dependent claim 14**, CuteFTP Pro teaches:

*The computer program product of claim 13 further comprising:
code for updating local links to one or more added Web page-dependent
files included in said edited one or more Web source files to remote links
reflecting file transfer server addresses of said one or more added Web page-
dependent files.*

(Claim 14 incorporates substantially similar subject matter as claimed in claim 6, and is rejected along the same rationale.)

Regarding **dependent claim 15**, CuteFTP Pro teaches:

*The computer program product of claim 11 further comprising:
code for translating addresses of said edited one or more Web source files
to an equivalent address for said file transfer server.*

(Claim 15 incorporates substantially similar subject matter as claimed in claim 5, and is rejected along the same rationale.)

Regarding **dependent claim 16**, CuteFTP Pro teaches:

The computer program product of claim 11 wherein said Web page is dynamically created, in part, using embedded server code in communication with a database of information.

(Claim 16 incorporates substantially similar subject matter as claimed in claim 3, and is rejected along the same rationale.)

Regarding **dependent claim 17**, CuteFTP Pro teaches:

*The computer program product of claim 16 further comprising:
code for identifying one or more database elements in said Web page.*

(Claim 17 incorporates substantially similar subject matter as claimed in claim 3, and is rejected along the same rationale.)

Regarding **dependent claim 18**, CuteFTP Pro teaches:

*The computer program product of claim 17 further comprising:
code for detecting said one or more database elements modified during
execution of said code for editing.*

(Claim 18 incorporates substantially similar subject matter as claimed in claim 9, and is rejected along the same rationale.)

Regarding **dependent claim 19**, CuteFTP Pro teaches:

The computer program product of claim 18, wherein said code for automatically uploading comprises:

code for extracting said modified one or more database elements from said edited one or more Web source files; and

code for updating said database with said modified one or more database elements.

(Claim 19 incorporates substantially similar subject matter as claimed in claim 4, and is rejected along the same rationale.)

10. It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. See, MPEP 2123.

Claims Rejection – 35 U.S.C. 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. **Claims 20** is rejected under 35 U.S.C. 103(a) as being unpatentable over Altova Inc. & Altova GmbH, "XML Spy 4.0 Manual," copyright 1998-2001, September 10, 2001, Chapter 3, consisting of pages 91-286, [hereinafter "XML Spy"]

Regarding **dependent claim 20**, XML Spy teaches:

A method for managing a Web site lifecycle from a graphical user interface (GUI) comprising:

displaying a Web browser in a first window of said GUI, wherein a user browses on said Web browser to locate a Web page to be edited;

selecting an edit indicator displayed on said GUI indicating a preference to edit said Web Page;

responsive to said selecting, transitioning said first window to display a page editor;

choosing a publish indicator displayed on said GUI indicating to publish said edited Web Page; and

responsive to said selecting, transitioning said first window back to display said Web browser.

(See, XML Spy, pages 92-96, teaching the page window editor. See also XML Spy, page 93, teaching that the windows are freely selectable and may be clicked back and forth to bring them to the front.)

Claims 21-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Altova Inc. & Altova GmbH, "XML Spy 4.0 Manual," copyright 1998-2001, September 10, 2001, Chapter 3, consisting of pages 91-286, [hereinafter "XML Spy"] in view of GlobalScope, "CuteFTP Pro Technical Overview," White Paper, May 22, 2001, published on the internet at least by August 14, 2002, last downloaded by the Examiner on March 17, 2006, from:

<http://web.archive.org/web/20020814133509/www.globalscape.com/support/manuals.shtml>, pages i-ii and 1-17, [hereinafter "CuteFTP Pro"].

Regarding **dependent claim 21**, XML Spy in view of CuteFTP Pro teaches:

A Web page editor comprising:

a graphical interface (GUI) for receiving interaction from a user;

a Web browser displayed to said user in a main window of said GUI;

an edit indicator, associated with said display of said Web browser, presented to said user on said GUI, wherein said edit indicator controls execution of retrieval logic;

an edit screen replacing said Web browser in said main window responsive to said user selecting said edit indicator, wherein said user makes edits to said Web page; and

a publish indicator, associated with a display of said edit screen, presented to said user on said GUI, wherein said publish indicator controls execution of said upload logic.

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(XML Spy teaches the graphical user interface (GUI) with a selectable web browser or editor window, but does not teach a publish indicator to control execution of upload logic.

CuteFTP Pro teaches upload logic available either automatically or manually.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the editing and GUI functions of XML Spy with the upload logic of CuteFTP Pro for purposes of uploading XML and HTML files from the editor of XML Spy through the file transfer of CuteFTP Pro. The motivation to combine the references is taught in CuteFTP Pro in that it is designed to upload web compatible software to the web and web compatible software is taught to be created using XML Spy.)

Regarding **dependent claim 22**, XML Spy in view of CuteFTP Pro teaches:

*The Web page editor of claim 21 wherein said retrieval logic comprises:
code for analyzing said Web page for page-dependent related files.*

(See the rejection of claim 21, above, made applicable herein by this reference. See also, CuteFTP Pro, page 9, teaching to automatically update a web page every few minutes. Note that CuteFTP Pro scans the web page for the files to be updated.)

Regarding **dependent claim 23**, XML Spy in view of CuteFTP Pro teaches:

The Web page editor of claim 22 wherein said retrieval logic comprises:

code for automatically downloading a source file for said Web page from a file transfer server related to said Web page; and

code for automatically downloading page-dependent related files.

(See the rejection of claim 22, above, made applicable herein by this reference. See also, CuteFTP Pro, page 7, teaching: "CuteFTP Pro includes advanced scripting capabilities that allow clients to automate routine tasks, such as downloading log files from a Web server or posting weekly sales reports to an FTP server.")

Regarding **dependent claim 24**, XML Spy in view of CuteFTP Pro teaches:

The Web page editor of claim 21 wherein said upload logic comprises:

code for checking said edited source file for modified page-dependent related files prior to said automatically publishing.

(See the rejection of claim 21, above, made applicable herein by this reference. See also, CuteFTP Pro, page 9, teaching to automatically update a web page every few minutes. Note that CuteFTP Pro scans the web page for the files to be updated.)

Regarding **dependent claim 25**, XML Spy in view of CuteFTP Pro teaches:

The Web page editor of claim 24 wherein said upload logic further comprising one or more of:

an edited page-related file;

a deleted page-related file; and

an added page-related file.

(See the rejection of claim 21, above, made applicable herein by this reference. See also, (See, CuteFTP Pro, page 9, teaching to automatically update a web page every few minutes. Note that CuteFTP Pro scans the web page for the files to be updated.)

Regarding **dependent claim 26**, XML Spy in view of CuteFTP Pro teaches:

The Web page editor of claim 25 wherein said upload logic further comprising one or more of:
code for translating local links to said added page-related files to reflect a location of said added page-related files on said file transfer server.

(See the rejection of claim 21, above, made applicable herein by this reference. See also, CuteFTP Pro, page 9, teaching to automatically update a web page every few minutes. Note that CuteFTP Pro scans the web page for the files to be updated. Note that CuteFTP Pro teaches folder synchronization, which reflects a location of added page-related files on the file transfer server.)

Regarding **dependent claim 27**, XML Spy in view of CuteFTP Pro teaches:

The Web page editor of claim 23 wherein said upload logic further comprising one or more of:
code for mapping addresses of said edited source file and said related files associated with said display of said Web page to an address location commensurate with said file transfer Server.

(See the rejection of claim 21, above, made applicable herein by this reference. See also, CuteFTP Pro, page 8, teaching mirroring which makes the content of the remote drive exactly like the contents of the local drive, vice versa, or both.)

Regarding **dependent claim 28**, XML Spy in view of CuteFTP Pro teaches:

The Web page editor of claim 23 wherein said Web page is generated, in part, dynamically using embedded server code and a plurality of data stored in a database.

(See the rejection of claim 21, above, made applicable herein by this reference. See also, CuteFTP Pro, page 11, teaching the use of a default template as embedded server code and customizable code options as data stored in the database.)

Regarding **dependent claim 29**, XML Spy in view of CuteFTP Pro teaches:

The Web page editor of claim 28 wherein said upload logic further comprising one or more of:

code for identifying one or more elements generated from said database in said retrieved source file.

(See the rejection of claim 21, above, made applicable herein by this reference. See also, CuteFTP Pro, page 11, teaching the use of a default template as embedded server code and customizable code options as data stored in the database. Note also that CuteFTP Pro teaches to edit remote documents, which are identified elements from the database in the source file.)

Regarding **dependent claim 30**, XML Spy in view of CuteFTP Pro teaches:

The Web page editor of claim 29 wherein said upload logic further comprising one or more of:

code for checking said edited source file for modifications to said one or more elements.

(See the rejection of claim 21, above, made applicable herein by this reference. See also, CuteFTP Pro, page 10, teaching that overwrite of files based on day and tie of last edit.)

Regarding **dependent claim 31**, XML Spy in view of CuteFTP Pro teaches:

The Web page editor of claim 29 wherein said automatically uploading comprises:

code for stripping said modifications to said one or more elements from said edited source responsive to said checking; and

code for updating said database with said modifications.

(See the rejection of claim 21, above, made applicable herein by this reference. See also, CuteFTP Pro, page 9, teaching to automatically update a web page every few minutes. Note that CuteFTP Pro scans the web page for the files to be updated. Note that CuteFTP Pro teaches folder synchronization, which reflects a location of added page-related files on the file transfer server.)

12. It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. See, MPEP 2123.

Conclusion

13. The following prior art is made of record and not relied upon that is considered pertinent to applicants' disclosure:

GlobalScape, "CuteFTP Pro, User's Guide," published on the Internet as of August 14, 2002, last downloaded by the Examiner on March 17, 2006, from link to: <http://web.archive.org/web/20020814133509/www.globalscape.com/support/manuals.shtml>, downloaded pages 1-108.

IXIASOFT, "Streamlining content creation, retrieval, and publishing on the Web, Using TEXTML Server and XML Spy 4 Suite in an integrated, Web publishing environment," White Paper, July 2002, pages 1-16.

Kim, L., "XML Spy, XML Integrated Development Environments, Accelerating XML Application Development in the Enterprise," Altova Inc. & Altova GmbH, 2002, published on the Internet as of August 21, 2002, last downloaded by the Examiner on March 17, 2006, from link to: http://web.archive.org/web/20020802160016/www.xmlspy.com/resources_wp.html, downloaded pages 1-20.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael K. Botts whose telephone number is 571-272-5533. The examiner can normally be reached on Monday Thru Friday 8:00-4:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MKB/mkb



**DOUG HUTTON
PRIMARY EXAMINER
TECH CENTER 2100**